# Shainis & Peltzman, Chartered

Counselors at Law

Suite 290 1901 T Street, N.M. Washington, D.C. 20036

(202) 293-0011 #ax (202) 293-0810

Of Churisel **W**illiam M. BuRoss, III Ruth S. Baker-Battist Robert I. Keller

Aaron A. Shainis Lee J. Helteman

### DOCKET FILE COPY ORIGINAL

RECEIVED

August 18, 1998

AUG 1 8 1998

Magalie R. Salas, Esq. Secretary Federal Communications Commission 1919 M Street, N.W. Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

Re:

Comment on Petition for Rule Making

Llano, Texas RM-9333

Dear Mrs. Salas:

Transmitted herewith, on behalf of BK Radio, applicant for a new FM station on Channel 242 at Llano, Texas (ARN-970815MD), is an original and four (4) copies of its Comments with respect to the Petition for Rule Making filed by Elgin FM Limited Partnership.

Please contact the undersigned should the Commission have any questions with respect to the filing of these Comments.

Sincerely,

Counsel for

**BK RADIO** 

#### Before The FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

RECEIVED

AUG 1 8 1998

FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

In the Matter of	)	MM Docket No.
	)	
Amendment of Section 73.202 (b)	)	RM-9333
FM Table of Assignments	)	
(Llano, Texas)	)	

To: Chief, Allocations Branch Policy and Rules Division

## COMMENTS ON PETITION FOR RULE MAKING

BK Radio ("BK"), applicant for a new FM station on Channel 242 at Llano, Texas (ARN-970815MD), hereby submits it Comments with respect to the Petition for Rulemaking filed by Elgin FM Limited Partnership ("Elgin FM"). In support of its position, BK states as follows:

Elgin FM is also an applicant for a new FM station on Channel 242A at Llano, Texas (ARN-970814MI) Elgin FM has petitioned the Commission to add Channel 275A at Llano and to modify the Elgin FM pending application to specify operation on Channel 293A in lieu of Channel 242A. (The Commission on its own had apparently set aside Channel 293A at Llano.)

BK supports Elgin FM's Petition for Rulemaking. Elgin FM correctly notes that there are significant public interest reasons existing which would support the grant of the Elgin FM proposal, including the institution of earlier replacement service to Llano as well as the earlier institution of additional service in Llano to be provided by Elgin FM and BK. See Albion, Nebraska, 10 FCC Rcd 11927 (1995).

BK wishes to notify the Commission that, in the event the Commission adds Channel 275A at Llano, BK will accept that channel so that it may modify its pending Llano application and that, upon grant, it will construct its station promptly. BK therefore requests that its pending Llano application be modified accordingly to specify operation on Channel 275A. Consistent with Elgin FM's proposal, BK requests that it be afforded cut-off protection from other applications proposing to use the channels in question in Llano, and that its application, as amended, be granted along with the other Llano applicants.

Respectfully submitted,

**BK RADIO** 

By:

Its Attorney

Shainis & Peltzman, Chartered 1901 L Street, NW Suite 290 Washington, DC 20036 202/293-0011

August 18, 1998

#### CERTIFICATE OF SERVICE

I, Linda E. Skiles, Secretary, of the law firm of Shainis & Peltzman, do hereby certify that copies of the foregoing document were sent, via First Class Mail, this 18<sup>th</sup> day of August, 1998, to the office of the following:

John J. McVeigh, Esq. 12101 Blue Paper Trail Columbia, MD 21044-2787

Ann C. Farhat, Esq. Bechtel & Cole, Chartered Suite 250 1901 L Street, N.W. Washington, D.C. 20036

Henry E. Crawford, Esq. Law Offices of Henry E. Crawford Suite 900 1150 Connecticut Avenue, N.W. Washington, D.C. 20036

Roy R. Russo, Esq. Cohn & Marks Suite 600 1333 New Hampshire Avenue, N.W. Washington, D.C. 20036-1573

Kathleen Scheuerle Federal Communications Commission 2000 M Street, N.W. Room 558-A Washington, D.C. 20054

Linda E. Skilles